

JUDGE DANIELS

10 CIV 7881

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATASHA PARKS,

Plaintiff,

-against-

CITY OF NEW YORK, and JOHN and JANE DOE 1
through 10, individually and in their official capacities, (the
names John and Jane Doe being fictitious, as the true names
are presently unknown),

Defendants.



NATURE OF THE ACTION

1. This is an action to recover money damages arising out of the violation of plaintiff's rights under the Constitution.

JURISDICTION AND VENUE

2. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States.

3. The jurisdiction of this Court is predicated upon 28 U.S.C. §§ 1331 and 1343.

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 (b) and (c).

JURY DEMAND

5. Plaintiff demands a trial by jury in this action.

PARTIES

6. Plaintiff Natasha Parks, an African-American female who has no prior arrests, is a resident of the State of New York.

7. Defendant City of New York is a municipal corporation organized under the laws of the State of New York. It operates the NYPD, a department or agency of defendant City of New York responsible for the appointment, training, supervision, promotion and discipline of police officers and supervisory police officers, including the individually named defendants herein.

8. At all times relevant defendants John and Jane Doe 1 through 10 were police officers, detectives or supervisors employed by the NYPD. Plaintiff does not know the real names and shield numbers of defendants John and Jane Doe 1 through 10.

9. At all times relevant herein, defendants John and Jane Doe 1 through 10 were acting as agents, servants and employees of defendant City of New York and the NYPD. Defendants John and Jane Doe 1 through 10 are sued in their individual and official capacities.

10. At all times relevant herein, all individual defendants were acting under color of state law.

STATEMENT OF FACTS

11. On the afternoon of March 29, 2010, plaintiff went with her seventeen year-old sister to the Pay/Half department store located at 2155 White Plains Road in Bronx County.

12. Plaintiff was a witness to an altercation between her sister and a security guard in the store.

13. Approximately five of the Doe defendants arrived at the scene along with a store manager.

14. The defendants Doe attempted to interrogate plaintiff's minor sister outside of plaintiff's presence.

15. Plaintiff objected to the interrogation of her minor sister outside of her presence.

16. One of the Jane Doe defendants then attempted to force plaintiff to the ground.

17. Plaintiff was tightly handcuffed and dragged out of the store by two of the John Doe defendants.

18. In front of the store, one of the Doe defendants grabbed plaintiff's hair and slammed her head twice onto the trunk of the car.

19. The Doe defendants then conducted an unlawful search of plaintiff's person.

20. Plaintiff was crying and began to experience a migraine headache that lasted approximately a week.

21. The Doe defendants then forced plaintiff into a police car and attempted to slam the door on her foot.

22. Plaintiff repeatedly asked the Doe defendants to loosen her excessively tight handcuffs but they refused.

23. Plaintiff was driven to a police precinct and held for approximately two hours before being taken to Central Booking.

24. At Central Booking plaintiff asked for medical treatment but was told it would lengthen her time in custody.

25. After approximately twenty-four hours in custody, plaintiff was arraigned on fabricated charges including Obstructing Governmental Administration, Resisting Arrest, Attempted Assault, Harassment and Disorderly Conduct.

26. A non-party civilian witness to the mistreatment of plaintiff contacted the CCRB.

27. Plaintiff's wrists were injured as a result of the excessively tight handcuffing with pain lasting over a month.

28. Plaintiff suffered damage as a result of defendants' actions. Plaintiff was deprived of her liberty, assaulted, battered, suffered emotional distress, mental anguish, fear, anxiety, embarrassment, humiliation and damage to her reputation.

FIRST CLAIM
(42 U.S.C. § 1983)

29. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

30. Defendants, by their conduct toward plaintiff alleged herein, violated plaintiff's rights guaranteed by 42 U.S.C. § 1983, the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States.

SECOND CLAIM
(FALSE ARREST)

31. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

32. Defendants violated the Fourth Amendment because they arrested plaintiff without probable cause.

THIRD CLAIM
(UNREASONABLE FORCE)

33. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

34. Defendants violated the Fourth Amendment because they used unreasonable force on plaintiff.

FOURTH CLAIM
(UNLAWFUL SEARCH)

35. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

36. Defendants violated the Fourth Amendment because they searched plaintiff without reasonable suspicion.

FIFTH CLAIM
(FAILURE TO INTERVENE)

37. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

38. Those defendants that were present but did not actively participate in the aforementioned unlawful conduct observed such conduct, had an opportunity prevent such conduct, had a duty to intervene and prevent such conduct and failed to intervene.

39. Accordingly, the defendants who failed to intervene violated the Fourth Amendment.

SIXTH CLAIM
(MONELL)

40. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

41. This is not an isolated incident. The City of New York (the "City"), through policies, practices and customs, directly caused the constitutional violations suffered by plaintiff.

42. The City, through its police department, has had and still has hiring practices that it knows will lead to the hiring of police officers lacking the intellectual capacity and moral fortitude to discharge their duties in accordance with the constitution and is indifferent to the consequences.

43. The City, through its police department, has a *de facto* quota policy that encourages unlawful stops, unlawful searches, false arrests, the fabrication of evidence and perjury.

44. The City, at all relevant times, was aware that these individual defendants routinely commit constitutional violations such as those at issue here and has failed to change its policies, practices and customs to stop this behavior.

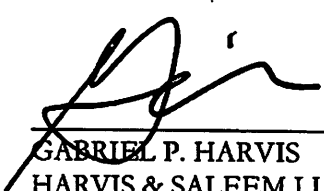
45. The City, at all relevant times, was aware that these individual defendants are unfit officers who have previously committed the acts alleged herein and/or have a propensity for unconstitutional conduct.

PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully requests judgment against defendants as follows:

- (a) Compensatory damages against all defendants, jointly and severally;
- (b) Punitive damages against the individual defendants, jointly and severally;
- (c) Reasonable attorneys' fees and costs pursuant to 28 U.S.C. § 1988; and
- (d) Such other and further relief as this Court deems just and proper.

DATED: October 15, 2010
New York, New York



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